

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

CORTNEY L. HANSEN,

Plaintiff,

v.

Civil Action No.:

**COMPREHENSIVE CANCER SERVICES
ONCOLOGY, P.C. and
DR. WON SAM YI, individually,**

Defendants.

NOTICE OF REMOVAL

Defendants COMPREHENSIVE CANCER SERVICES ONCOLOGY, P.C. (“CCS Oncology”) and DR. WON SAM YI (“Dr. Yi”) (collectively “Defendants”), by their counsel, Schröder, Joseph & Associates, LLP, hereby files their Notice of Removal of the above-captioned action, pursuant to 28 U.S.C. § 1331, § 1441 and § 1446, from the Supreme Court of Erie County, New York, in which this action is currently pending, to the United States District Court for the Western District of New York, and, in support, state the following:

PLAINTIFF’S CLAIMS

1. The above-captioned action is an employer discrimination claim on the basis of alleged sexual harassment, religious discrimination and retaliation for opposed discrimination that was originally filed by Plaintiff, CORTNEY L. HANSEN (“Plaintiff”).
2. Suit was brought in the Supreme Court of Erie County, New York, Index No. 801643/2015.

CLAIMS ARISING UNDER THE LAWS OF THE UNITED STATES

3. This civil action which was commenced in state court asserts a claim arising under the Constitution, laws or treaties of the United States. Thus, pursuant to 28 U.S.C. § 1441 this civil action may be removed to this Court.

4. This Court has original jurisdiction over “all civil actions arising under the Constitution, laws or treaties of the United States.” 28 U.S.C. § 1331.

5. Plaintiff’s Complaint asserts the following claim arising under the law of the United States:

- Plaintiff’s Fifth Cause of Action asserts a claim based upon an alleged failure to pay overtime against Defendants under the Fair Labor Standards Act (“FLSA”) 29 U.S.C. § 207, et. seq. Complaint ¶¶ 89-93.

6. This Court has supplemental jurisdiction over the Plaintiff’s state law claims in as much as the Plaintiff’s federal claims and state law claims arise out of common nucleus of operative facts, including Plaintiff’s employment relationship with the Defendant CCS Oncology and the alleged liability of Dr. Yi based upon their status as either an owner of CCS Oncology and/or as the Plaintiff’s supervisor. See Complaint *passim*.

CONSENT

7. All Defendants have consented to removal of this action.

NOTICE IS TIMELY

8. This Notice of Removal is filed by Defendants within the time prescribed by the applicable statute.

9. The Defendants were served with the Complaint on February 11, 2015. Therefore, this notice of removal is timely.

NOTICE PROPERLY SERVED

10. Written notice of the filing of this Notice of Removal, this day, has been given to the Plaintiff, through her counsel of record, Lindy Korn, Esq.

11. A copy of this Notice of Removal is also being filed contemporaneously with the Clerk of the Supreme Court for Erie County, New York.

12. Defendants file with this Notice of Removal, an index of the State Court record along with true and correct copies of all process, pleadings and orders served and filed in the above-captioned state action (*See* EXHIBIT A).

13. Based on the foregoing, Defendants submit that removal of this action is authorized under 28 U.S.C. § 1331, § 1441 and § 1446.

WHEREFORE, Defendants respectfully request that this Court take jurisdiction of this matter and that removal of this case to this Court be hereby effectuated and this Court grant all other relief to which Defendants are entitled.

Dated: March 5, 2015
Buffalo, New York

Respectfully submitted,

SCHRÖDER, JOSEPH & ASSOCIATES, LLP

s/ Ginger D. Schröder

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